



National Park Service
U.S. Department of the Interior


Fort Monroe
National Monument

41 Bernard Road
(Building #17, Lee's Quarters)
Fort Monroe, VA 23651-1001
757-722-FORT (3678) phone

Superintendent's Compendium

Of Designations, Closures, Permit Requirements,
and Other Restrictions Imposed Under
Discretionary Authority.

Approved:


Superintendent Name Date 11/15/16

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park System, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the National Park System.

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et. seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The superintendent is directed to

analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the superintendent has a reasonable basis to believe a resource is or would become impaired, than that superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Superintendent at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

9. Effective Date of the Superintendent's Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at 41 Bernard Road (Building #17, Lee's Quarter's), Fort Monroe, VA 23651-1001. It may also be found at website address here: www.nps.gov/fomr

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Fort Monroe National Monument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

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I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- The following areas are closed to public use and access from **12 pm to 5 am**. This does not apply to park personnel on official business, attendees of park sponsored special events, those with legal access rights or right-of-ways through and across the park, and residents. Specifically included are roads, parking areas, grounds, fields, and woods located at:
 - Fort Monroe National Monument (all buildings and property)
 - Beach areas

Determination and Justification: After hours use, nighttime activity, and overnight parking create a number of impacts that would be inconsistent with the protection of park resources. The superintendent has determined there is no valid use of these areas during the hours: 10 pm to 7 am.

- NPS, Lessee, Friends group sponsored special events, approved public meetings, and programs scheduled to occur in any of the park units after designated closure times are exempt.
- All park-operated buildings open to the public maintain the visiting hours from 10 am to 5 pm EST, unless otherwise noted. These include **Building # 17, Lee's Quarters**. All park buildings are closed to the public on Thanksgiving Day, December 25, and January 1 of each year.
- Lessees or licensed areas may have different hours.

Public Use Limits and Closures

- The following park roads and areas are closed to all non-park personnel visitation, and vehicle traffic, except those on official business, and adjacent roadways, or right-of-way across the area. *Justification for certain closures is based on the protection of cultural and natural resources.*
 - a. Dog Beach (Permit required)
 - b. March areas
 - c. Rip Rap Rocks
 - d. Building #212, 232, 214, Endicott Batteries - DeRussy, Church, and Anderson-Ruggles
 - e. Building # 247
 - f. Building # 1, Quarters No. 1
 - g. Building # 50 - Engineer's Quarters
 - h. Building # 88
 - i. Building #245, 246 - Child Development Care Center
 - j. Building #96 - Elementary School/NCO Mess
 - k. Navy Range Building
 - l. Building #300 - Wherry Housing

Determination and Justification: These roads and areas are closed except for administrative

purposes and serve no public use or vehicular access purpose. Access to these areas is prohibited unless authorized by the superintendent via a special use permit.

- Emergency Road/Unit Closures: All roads and/or park units are subject to temporary closures as indicated by signs, locked gates, or other means of notification for administrative purposes, security concerns, construction and/or repair, tree trimming or felling, or during periods of adverse weather, natural disaster, or other emergency.
- Service and Administrative Roads: Such roads are closed to non-official vehicles (except by permit) and will be designated by signs and/or locked gates.
- Parking areas open to vehicular parking are open to park visitors during visitation hours from 5 am to 12 pm only.

(a) (1) Use of Unmanned Aircraft. Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Fort Monroe National Monument is prohibited except as approved in writing by the superintendent.

Definition of Unmanned Aircraft: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links.) This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including recreation or commerce.

Determination and Justification: The superintendent has determined that the unmanaged or unrestricted recreational use of unmanned aircraft within Fort Monroe National Monument may conflict with, or impact, a variety of park uses including: park interpretive programs and activities provided by the NPS; as well as impacts including: impairing visitor view sheds; the disturbance, displacement or harassment of park wildlife to include threatened or endangered species; the creation of public safety hazards per operations near roadways or large aggregations of visitors. Less restrictive measures were not considered sufficient due to the rapidly expanding and evolving use of unmanned aircraft throughout the world. Section 1.5 of the NPS Management Policies (2006) provide that a new form of park use may be allowed within a park only after a determination has been made by the park superintendent that it will not result in unacceptable impacts on park resources and values.

- Sign and Notices: The park is closed to the posting of commercial signs. These include, but not limited to, private signs, announcement, realty signs, and political advertisements.
- Parking: Parking is permitted in the "designated" locations in the park only. Roadside, or parking on the grass is prohibited throughout the park. Unless authorized by NPS permit.
- Sports and Recreation: Fort Monroe National Monument are closed to certain recreational and sporting activities including, but not limited to the following: motor racing, model airplane and helicopter flying, model rocket launching, golfing, fishing, Horseback riding, ATV or Off-Road vehicles. See also 36 CFR § 2.20 which prohibits the use of roller skates, skateboards, roller skis, coasting vehicles, and other similar devices, except in designated areas. Specific prohibitions or limitations on certain activities may be addressed in other regulations. Organized recreational and sporting activities may be authorized by NPS permit.

- Picnicking: Picnicking is authorized in the park in accordance with 36 CFR § 2.11, except in designated areas:
 - a. Historic Structures or areas; otherwise closed to visitation
 - b. Seawall
 - c. Rip Rap Rocks
 - d. Leased areas (such as Colonies RV & Travel Park & Paradise Ocean Club)
- Electric Personal Assistive Mobility Devices: The use of these devices, such as motorized wheelchairs and Segways, by those with mobility impairments is allowed throughout the park . Users of these vehicles are viewed and treated as pedestrians. Use by others of such devices is guided by state law.

Determination and Justification: The NPS has concluded that an interim policy on allowing the use of Segways and similar devices by individuals with mobility disabilities is compelled by the Rehabilitation Act of 1973 and the Department of the Interior's (DOI) regulations at 43 CFR Part 17, Subpart E. It has been determined that such devices would be appropriate for all park areas currently open to motorized wheelchair use. Justification of Segways not permitted inside park buildings or other areas not mentioned is for overall safety concerns. This policy is in effect until a service-wide policy is enacted.

- Motor Vehicle Maintenance: Washing, cleaning, waxing, repairing or performing mechanical work on motor vehicles, except in emergencies in any public use area is prohibited.

Determination and Justification: Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

Violating the terms or conditions of a permit issued pursuant to this section is prohibited. Contact the National Park Service office for permit information. Please call 757-722-FORT (3678).

Areas designated for a Specific Use or Activity:

- Fishing: Not allowed anywhere on NPS property.

Determination and Justification: An authorized location exists at Fort Monroe outside the park for this activity. See www.fmauthority.com for Fort Monroe Authority regulations.

- Skating: Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.
 - Designated areas for all skating activities include: Gullick Dr - aka boardwalk, paved roads, parking lots, and sidewalks.
 - Specifically excluded from designated authorized areas: ramps, benches, stairways, walls, and other surfaces not designed for this activity.

Determination and Justification: Recreational activities in these areas are consistent with the

park's purposes and values. They are consistent with the reason the park was established.

- Geo Caching / Letter Boxing / Virtual Caching: Geocaching is prohibited throughout the park. "Letter Boxing" is prohibited on park property unless authorized by the superintendent via a special use permit. "Virtual caching" is permitted at designated park visitor centers and units as identified on the park's web site.

Determination and Justification: Methods of stashing items such as digging, burying, covering and otherwise concealing items are sometimes used with geo-caching, and are inappropriate within these areas. Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

Note: 36 CFR §2.22 a)(2) Leaving property unattended for longer than 24 hours is prohibited.

- Paranormal Investigations: Para-normal investigations and activities are prohibited on park property.

Determination and Justification: Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

- Star Gazing: Star gazing on park property is not permitted after hours unless authorized by the park superintendent via a special use permit.

Determination and Justification: This recreational activity is consistent with the park's purposes and values. They are consistent with the reason the park was established. As such, it is prohibited on park property after hours unless authorized by the superintendent via a special use permit, except on leased areas or in participation with a park sponsored event.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

- Passenger Carrying Buses: Engines must be shut down when not underway.

Determination and Justification: The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park. Due to the nature of the service provided by the shuttle buses, they are excluded from the requirement.

Violating the terms or conditions of a permit issued pursuant to this section is prohibited. Contact the National Park Service office for permit information. Please call 757-722-FORT (3678).

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.

The following is a listing of those activities requiring a permit from the superintendent:

- §1.5(d) The following activities related to Public Use Limits:

- Special Events
 - Weddings
 - Any other activity that occurs outside of established operational hours
 - Access to areas that is otherwise not open to the public
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:
 - Any special request for camping other than designated personnel participating in a park sponsored special event
- §2.1 Preservation of Natural, Cultural, and Archeological Resources:
 - Parking on grass or other open areas not paved and/or marked for such activity is not permitted parkwide without a permit.
- §2.12 Audio Disturbances
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views (Please see General Regulations, Section III, 2.51)
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising (Please see General Regulations, Section III, 2.52)
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from the NPS Director)
 - (b) Scattering ashes from human cremation
 - Roadside memorials

- §3.8 Use of a Vessel
- §4.11(a) Exceeding established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.

Requests for an application for a Special Use Permit can be made by contacting:

**Fort Monroe National Monument
Attn: Special Use Permits
41 Bernard Road (Building #17, Lee's Quarters)
Fort Monroe, VA 23651-1001
757-722-FORT (3678)
Email: fomr_superintendent@nps.gov**

Violating the terms or conditions of a permit issued pursuant to this section is prohibited.

III. GENERAL REGULATIONS

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL, AND ARCHEOLOGICAL RESOURCES

- (a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent is prohibited.

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side-scan sonar, other metal detecting device, or subbottom profiler.

This paragraph does not apply to:

- (i) A device broken down and stored or packed to prevent its use while in park areas.**
- (ii) Electronic equipment used primarily for the navigation and safe operation of boats and aircraft.**
- (iii) Mineral or metal detectors, magnetometers, or subbottom profilers used for authorized scientific, mining, or administrative activities.**

Determination and Justification: Consistent with the park's purposes and values there are no areas authorized within the park to dig or disturb the soil. Possession or use of metal or other detecting devices are directly connected to the attempt to remove existing park resources

protected by law.

Parking on grass or other open areas not paved and/or marked for such activity is not permitted parkwide without a permit.

Contact National Park Service office if you find something. Please call 757-722-FORT (3678).

36 CFR §2.2 – WILDLIFE PROTECTION

- (a)(1) Hunting and taking is prohibited on all park property.
- (e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

Determination and Justification: Viewing, or attempting to view, wildlife by means of motor vehicle headlights, infrared lighting/beams or other artificial light (spotlighting) is prohibited park wide.

36 CFR §2.3 – FISHING

- (a) Fishing shall be in accordance with the laws and regulations of the Commonwealth of Virginia.

Fishing is prohibited anywhere on NPS property.

Determination and Justification: An authorized location exists at Fort Monroe outside the park for this activity. See www.fmauthority.com for Fort Monroe Authority regulations.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

- Pursuant to 18 USC § 930, firearms are prohibited in federal facilities. Federal facilities are defined as “buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.
- Pursuant to 16 USC § 1a-7b, park visitors may carry firearms in the park if they are otherwise in compliance with federal, state, and local laws.

36 CFR §2.5 – RESEARCH SPECIMENS

- (a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING and FOOD STORAGE

- Camping is prohibited except under terms set forth by the superintendent.
- Camping may be permitted on a limited basis and under permission from the superintendent for living history groups in conjunction with a park-sponsored activity for interpretive/educational purposes with such individuals signed up for as Volunteers In Parks.

36 CFR §2.11 – PICNICKING

- **Picnicking:** Picnicking is authorized in the park in accordance with 36 CFR § 2.11, except in designated areas:
 - a. Historic Structures or areas; otherwise closed to visitation
 - b. Seawall
 - c. Rip Rap Rocks
 - d. Leased/Licensed areas

General conditions for Picnicking:

- Groups or social gatherings in excess of (25) persons require a permit.
- Picnicking is first come, first served. Reservations will not be accepted.
- Open fires are restricted to the provided raised fire rings, receptacles, and grills.
- Portable grills (charcoal or propane) are **NOT** permitted.
- Tables and/or portable grills, etc. are not permitted.
- Picnicking cannot obstruct traffic or an established parking slip.
- Parking on the grass is prohibited park wide.

Determination and Justification: Recreational activities in these areas are consistent with the park's purposes and values. They are consistent with the reason the park was established. Some exceptions may exist at the Colonies RV and Travel Park due to customary use patterns.

See http://thecoloniesrvandtravelpark.com/images/pdf/Campground_Rules.pdf for Colonies RV and Travel Park regulations.

36 CFR §2.12 – AUDIO DISTURBANCES

- (a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.
- (a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.
- (a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51 (first amendment and demonstration purposes).

36 CFR 2.13 – FIRES

- (a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Colonies RV and Paradise Ocean Club – in the park provided fire receptacles, raised off the ground, and park provided standing grills.
- Colonies RV and Paradise Ocean Club – personally owned portable grills (charcoal, wood or propane) are permitted for registered guests.
- Fires inconsistent with the above conditions may be approved on a limited basis under

permission from the superintendent for living history groups who may camp in conjunction with a park-sponsored activity for interpretive/educational purposes.

Established Conditions for Fires:

- Receptacle fires cannot exceed the diameter of the actual receptacle.
- Grill fires cannot exceed the size of the actual grill (charcoal or wood only).
- Never leave a fire unattended.

(a) Fires must be extinguished according to the following conditions:

- All fires must be completely extinguished and any coals/wood, etc. cold to the touch.
- Coals and ash must be safely and properly disposed before leaving the site.

Note: all conditions found in this section apply to all provided fire receptacles found anywhere on-site. A limited number of provided fire receptacles may be found outside of the aforementioned designated areas.

Contact the National Park Service office for more information regarding this section, including proper coals and ash disposal. Please call 757-722-FORT (3678).

36 CFR §2.14 – SANITATION and REFUSE

- (a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited.

36 CFR §2.15 – PETS

- (a)(1) The following park structures and/or areas are closed to the possession of pets:
 - All park buildings. This shall not apply to service dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons; also shall not apply to mobility, therapy, emotional support or medical alert dogs.
- (a)(2) Failing to crate, cage, restrain on a leash, which shall not exceed six feet in length, or otherwise physically confine a pet at all times, is prohibited
- (a)(3) Leaving a pet unattended and tied to an object is prohibited, except in designated areas or under conditions which may be established by the superintendent.

Determination and Justification: Consistent with the park's purposes and values there are no areas authorized within the park.

- (a)(5) Pet excrement must be disposed of in accordance with the following conditions:
 - Excrement shall be removed by the owner/handler from picnic areas, exhibit areas, trails and other public use areas which includes frequently mowed and high visible areas.

36 CFR §2.17 – AIRCRAFT AND AIR DELIVERY

- (a)(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne

means is prohibited, except in emergencies involving public safety or serious property loss or pursuant to the terms and conditions of a permit.

- (c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the superintendent.

36 CFR §2.18 – SNOWMOBILES

- (c) The use of snowmobiles is prohibited throughout the park.

36 CFR §2.19 – WINTER ACTIVITIES

- (a) Skiing, snowshoeing, ice skating, sledding, inner tubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic.
- (b) The towing of persons on skis, sled, or other similar device by motor vehicle or snowmobile is prohibited park wide.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

- Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

Designated areas for all skating activities include: Gullick Dr - aka boardwalk, paved roads, parking lots, and sidewalks.

Specifically excluded from designated authorized areas: ramps, benches, stairways, walls, and other surfaces not designed for this activity.

Determination and Justification: Recreational activities in these areas are consistent with the park's purposes and values. They are consistent with the reason the park was established.

36 CFR §2.21 – SMOKING

- (a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking and the use of Electronic Nicotine Delivery System (ENDS) as noted:
 - All park buildings
 - Within 25 feet of any entrance or exit primarily accessed by the visiting public.
 - Within 25 feet of any entrance or exit not generally accessed by the public, where smoking would result in smoke traveling through doorways, windows, air ducts, or other openings
 - Smoking and the use of ENDS is prohibited and will not be permitted within any Government-owned or leased vehicle, including heavy equipment, watercraft, or aircraft.

Determination and Justification: These restrictions are intended to reduce any possible conflict between users and the harmful effects of smoking, second-hand smoke, ENDS, and to protect

park structures from fire danger or smoke. This prohibition is consistent with federal law.

36 CFR §2.22 – PROPERTY

- (a) The Following are prohibited:
 - (1) Abandoning property
 - (2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designed or in accordance with conditions established by the superintendent.
 - (3) Failing to turn in found property to the superintendent as soon as possible. Found property should be turned in to NPS offices: 757-722-FORT (3678).
- (b)(1) Property determined to be left unattended will be impounded by the superintendent.
- (b)(3) Found or impounded property shall be inventoried to determine ownership and safeguard personal property.

36 CFR §2.35 – ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

- (a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:
 - Possession and consumption of alcoholic beverages is prohibited on all park property in accordance with Virginia State Code 4-78. The following exceptions apply: In areas where licensed.
 - Prohibited in all areas without a permit issued by the superintendent. Specifically noted to include all beach areas.

Determination and Justification: Based on Virginia State Code 4-78 for prohibiting open alcoholic beverages inside motor vehicles and public areas. This type of activity is inconsistent with the park's purposes. The consumption of alcohol and possession of open containers of an alcoholic beverage is an incompatible activity for this type of visitation. Ample locations exist outside the park for consumption of alcohol.

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

- Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR §2.38 – EXPLOSIVES

- (a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.
- (b) The possession and or use of fireworks, firecrackers, black powder, or any other explosive device is prohibited except under the terms of a permit issued by the

superintendent.

Do not approach any item suspected to be an explosive. Immediately call 911 to report the location of anything potentially explosive is discovered. Contact National Park Service office at 757-722-FORT (3678) for any additional questions on this section.

36 CFR §2.50 – SPECIAL EVENTS

- (a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit has been issued by the superintendent.

36 CFR §2.51 – DEMONSTRATIONS

- (b) Demonstrations of 25 people or less are allowed within the park designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.
- (c)(2) *The following locations are designated as available for demonstrations:*

See Attachment III – First Amendment Area

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

- (b) The sale or distribution of printed matter by 25 persons or less is allowed within the park areas designated as available under 2.51 (c)(2) (see above). The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.

Per Policy Memorandum 14-01 dated January 28, 2014, other message-bearing items may also be distributed in designated areas under 36 CFR 2.52 if it is done free of charge and without asking for payment or a donation. This will allow the free distribution of message-bearing items to the public other than printed matter, so long as the activity occurs within an area as available for First Amendment activities.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

- (a) Residing in park areas, other than on privately owned lands, except pursuant to the terms and conditions of a permit, lease or contract, is prohibited.

36 CFR §2.62 – MEMORIALIZATION

- (a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.
- (b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR §3.16 – SWIMMING AND BATHING

- Swimming or wading is allowed in waters, subject to closures or restrictions designated by the superintendent.
 - **Swimming and/or bathing is prohibited** in all areas within the park.
 - **Wading** in the open waters throughout the park is **permitted**

Wading is defined as walking or recreating in water, when partially immersed; i.e. the water is not over one's head while standing on the bottom.

Water access at your own risk when no Lifeguard is provided.

Determination and Justification: It is hazardous to swim or bathe in open waters throughout the park. However, the recreational use of the shorelines beaches to wade is consistent with the park's purposes and values. They are consistent with the reason the park was established. Some exceptions may exist at the Paradise Ocean Club. See appendix for Paradise Ocean Club Regulations. Also, see www.fmauthority.com for Fort Monroe Authority regulations.

36 CFR §3.8 – Use of a Vessel

Power-driven or Sailing Vessels

- (a)(2) Launching or recovering a vessel, except at a launch site designated by the superintendent.
 - Power-driven or sailing vessels - No areas are designated or authorized within the park.

Determination and Justification: These restrictions are intended to reduce any possible conflict between power-driven and sailing vessels and users accessing the open waters from shorelines park wide. Ample locations exist outside the park for these activities. An authorized location exists at Fort Monroe outside the park. See appendix for Fort Monroe Authority Regulations.

Manually Operated Vessels

- Manually operated vessels or watercraft, such as paddle boards, canoes, and kayaks - All shoreline beach areas are authorized or designated for this recreational use park wide.

Determination and Justification: The interaction of users of manually operated vessels and those accessing the open water from the shorelines park wide are congruent with each other and present minimal possible conflicts. This recreational activity is consistent with the park's purposes and values within this area. They are consistent with the reason the park was established. Authorized locations for this activity exist at Fort Monroe outside the park. See appendix for additional locations and Fort Monroe Authority Regulations.

Operating a Power-driven or Sailing Vessel Near Shoreline

- (5) Unless a designated area is marked otherwise, operating a power-driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach. This prohibition does not apply in locations such as a river, channel, or narrow cove where passage is restricted to less than 500 feet. In such restrictive locations where swim beaches are designated, the operation of a vessel in excess of a flat wake speed is prohibited.
 - The only designated area park wide is at the Paradise Ocean Club.
 - This area authorizes anchoring or tying together of vessels, so long as they cannot become grounded or beached at anytime.

Determination and Justification: These restrictions are intended to reduce any possible conflict between power-driven and sailing vessels and users accessing the open waters from shorelines park wide. Additionally to protect the natural resources of the shorelines park wide. See Paradise Ocean Club regulations - 757-317-1234.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

- (a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):
 - Please see page 5, under "Public Use Limits and Closures, 36 CFR §1.5"

36 CFR §4.21 – SPEED LIMITS

- (b) The following speed limits are established for the routes/roads indicated:
 - The speed limit on all roads on Fort Monroe is 25 miles per hour unless otherwise noted.
 - Areas where the speed limit exceeds 25 miles per hour is Eustis LN, Stilwell Dr, and Fenwick Road between the Baseball fields and the north end of the park.

36 CFR §4.30 – BICYCLES

- (a) The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use in areas open to the public. Park roads and areas that are closed to bicycle use are listed in §1.5 of this document.

Determination and Justification: Such use is consistent with the protection of the park's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.

36 CFR §5.1 – ADVERTISEMENTS

- Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

- Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

- (a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the superintendent.
- (b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the superintendent is prohibited.

Attachment #1














General Park Map



Attachment #2

Fort Monroe National Monument



-    Existing Park Boundary
  Minor Boundary Adjustment
  Historic Preservation Easement
 Historic Structures, Batteries, or Closed Areas
 First Amendment Area
    Compendium Jurisdiction
 (Area this document applies to)

